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June 23, 2025

Via ECF

The Honorable Denise L. Cote
United States District Court
Southern District of New York
500 Pearl Street, Room 1910
New York, New York 10007

Re: The Barry White Family Trust U/A/D: December 19, 1980, By its Duly Empowered Trustees v. Cooley et al; Case No. 24-cv-07509 (DLC)

Dear Judge Cote:

We are the attorneys for the Plaintiffs in the above-captioned action. We write in connection with the letter motion to the Court filed by Defendant Rodney Oliver (Dkt. 115) which is premature and inaccurate.

While we believe that ultimately the Parties will need a conference, we believe that such a conference is premature.

The Court ordered document production to commence on June 13, 2025 (Dkt. 80). Pursuant to the Court's Order, Plaintiffs provided written responses (*see* letter dated June 13, 2025, attached hereto as Exhibit A) and also provided an initial tranche of documents, withholding confidential documents until Necole Key signed the Confidentiality Order (Dkt. 102).¹ Plaintiffs also advised Mr. Oliver that it was a rolling production.

On June 14, 2025, Mr. Oliver notified Plaintiffs that we had ten (10) days to respond to his letter (a copy of the letter is attached hereto as Exhibit B). Before the end of his own unilaterally imposed deadline, Mr. Oliver filed his letter with the Court (Dkt. 115).

We have responded to Mr. Oliver's letter on June 23, 2025, and attach a copy of that response as Exhibit C.

¹ As the Court is aware from the pending motion (Dkt. 111), Plaintiffs are concerned about Ms. Key's use of Plaintiffs' documents, particularly confidential information, even in redacted form.

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As set forth in our June 23, 2025 letter to Mr. Oliver, Plaintiffs have provided materials which he claims he did not receive and provided him with the bates numbers of those documents. We have redacted confidential chain of title documents that are ready to produce, but have advised Mr. Oliver that we will not produce them until Ms. Key (his putative partner) signs the so-ordered Confidentiality Agreement. Notwithstanding our requests on May 28, June 13, June 16, 2025, and today, Mr. Oliver has failed and refused to provide Ms. Key's signed Confidentiality Agreement.

While Mr. Oliver wrote to the Court and stated that "Ms. Key is currently unavailable due to serious health concerns", Ms. Key was active on social media in connection with this case, posting as recently as June 12, 2025. More importantly, the "Egnyte" feature on the document production shows that there were two people who accessed the documents. One of the recipients who accessed the file shows an IP address located just a block away from Ms. Key's address. Mr. Oliver has not identified the two people who accessed the document production.

Finally, in our June 23, 2025 letter, we have asked Mr. Oliver for times to meet and confer and also asked that a court reporter transcribe the meet and confer (as the Court is aware from Mr. Oliver's multiple filings, counsel is apprehensive of having a call without a transcription).

To date, Plaintiffs have received no documents from Defendants at all, which would also be the subject of a meet and confer and a potential discovery issue.

We ask that a conference be scheduled in two (2) weeks in order for Plaintiffs' production to be completed, and for Defendants to produce their documents.

Respectfully submitted,

HERBSMAN HAFER WEBER
& FRISCH, LLP


Dorothy M. Weber, Esq.

DMW/rr

Cc: Rodney David Oliver (*Via Email*)
Joe Cooley (*Via Email*)